

III. REMARKS

In the Office Action, claims 19-23, 27-29, 48, 59, 60-65, 67-69, 71-73, 77-79, 81-85, 87, 90-91, and 93-98, 37, 75, 89 were rejected under 35 U.S.C. 102 as being anticipated by Talbot (US 4,441,017) for reasons set forth in the Office Action. Claims 24-26 and 30 were rejected under 35 U.S.C. 103 as being unpatentable over Talbot in view of Billstrom (US 5,590,133), and claims 31-34, 66-67, 69, 35, 70, 44-47, 55-58, 36-40, 41-43, 74-76, 80, 86, 88-89, 92, 49-54 were rejected over various combinations of Talbot in view of Lewis (6,192,255), Kniffin (US 6,072,402), Serbetciouglu (US 5,719,818), Kennedy (EP 0680171A2), and Lewis (5,767,778) for reasons set forth in the Action.

With respect to the rejections under 35 U.S.C. 102 and 103, the following argument is presented to distinguish the claimed subject matter from the teachings of the cited art, thereby to overcome the rejections, and to show the presence of allowable subject matter in the claims. Various ones of the claims are amended to emphasize a distinction between the present invention and the teachings of the cited art so as to overcome the foregoing rejections. Also, new claims 99-121 are presented for further definition of the invention, and are believed to be allowable in view the following argument which presents distinctions between the present invention and the teachings of the cited art, considered individually or in combination.

The independent claims of the present application are numbered 19, 59, 82, 85, 94, 97, 98 and 99 (newly added).

1. Summary of Claim Rejections Under 35 U.S.C 102(b):

In point 5 of the present Official Action, claims 19-23, 27-29, 48, 59, 60-65, 67-69, 71-73, 77-79, 81-85, 87, 90-91 and 93-98 are rejected under 35 U.S.C. 102(b) as being anticipated by Talbot, US patent no 4,411,017.

2. Summary of Claim Rejections Under 35 U.S.C. 103(a)

Point 25 of the Official Action rejects claims 24-26 and 30 under 35 U.S.C. 103(a) as being unpatentable over Talbot in view of Billström et al., US Patent No. 5,590,133.

Point 29 of the Official Action rejects claims 31-34, 66-67 and 69 under 35 U.S.C. 103(a) as being unpatentable over Talbot in view of Lewis et al., US Patent No. 6,192,255.

Point 34 of the Official Action rejects claims 35 and 70 under 35 U.S.C. 103(a) as being unpatentable over Talbot in view of Kniffin et al., US Patent No. 6,072,402.

In point 36 of the Official Action the Examiner rejects claims 44-47 and 55-58 under 35 U.S.C. 103(a) as being unpatentable over Talbot in view of Serbetciouglu et al., US Patent No. 5,719,918 and further in view of Kniffin et al., US Patent No. 6,072,402.

Point 43 of the Official Action rejects claims 36-40, 41-43, 74-76, 80, 86, 88-89 and 92 under 35 U.S.C. 103(a) as being unpatentable over Talbot in view of Kennedy et al., European Patent No. 0 680 171 (A2).

Point 50 of the Official Action rejects claims 49-54 under 35 U.S.C. 103(a) as being unpatentable over Talbot in view of Kennedy and further in view of US Patent No. 5,767,778, referred to by the Examiner as "Lewis".

Since all of the claims rejected under 35 U.S.C. 103(a) in points 25, 29, 34, 36, 43 and 50 of the Official Action are dependent claims and it is the Applicant's view that all of the independent claims are both novel and non-obvious with respect to Talbot considered in isolation, the Applicant maintains that all of the dependent claims variously rejected in the aforementioned points of the Official Action are also novel and non-obvious with respect to Talbot as combined with the other cited documents.

With respect to the rejection put forward in point 50 of the Official Action, the Applicant would further point out that US Patent No. 5,767,778, referred to by the Examiner as "Lewis" is in fact due to **Stone**. Furthermore, the filing date of this patent is **6th March 1996**, which post-dates the priority date of the present application (**15th December 1995**). Thus the Stone ("Lewis") patent is not prior art for the present application and cannot be combined validly with any other document to formulate an obviousness rejection. In view of this observation, the Applicant respectfully requests the Examiner to reconsider his rejection of claims 49-54 based on the combination of Talbot, Kennedy and Stone.

3. Summary of Talbot

Talbot discloses a base station 11 that communicates with a mobile station 13. Base station 11 comprises a terminal 21 and a secure voice module 25. When appropriate, terminal 21 sends a secure control signal to switch controller 29 to connect the secure voice module 25 to the transmitter 19.

Talbot further discloses a mobile station 13 that comprises a logic circuit 59. When logic circuit 59 detects the presence of received data at the output of deciphering portion 61, the logic circuit 59 sends a secure control signal to switch

controller 65 to connect enciphering portion 63 to transmitter 55.

4. Consideration of Currently Pending Independent Claims in view of Talbot

Turning now to consideration of the independent claims with respect to Talbot, claim 19 includes the limitation "*sending from the mobile communication network to the mobile station a cipher mode control signal to indicate that an enciphered mode of communication is to be used*".

In contrast, in Talbot a logic circuit 59 located in the mobile station monitors the output of deciphering portion 61 in order to determine the presence of deciphered data. In particular, column 8, lines 15 to 23 of Talbot, which describes the switching of the mobile station into "secure" communication mode, states the following:

"Whenever enciphered voice data is being received, deciphering portion 61 provides a deciphered output therefrom as well as a signal indicating the presence of deciphered data. Logic device 59 detects the deciphered data presence signal and in response thereto provides the secure control signal to switch control 65 causing switch 67 to interconnect the output of enciphering portion 63 with the input to transmitter 55".

Thus, it should be appreciated that there is no teaching, nor is there any suggestion in Talbot of the mobile station 13 receiving a cipher mode control signal from base station 11.

According to independent claims 59, 82 and 85, a "cipher mode control signal" is sent from the mobile communication network to the mobile station. For the same reasons explained in connection with independent claim 19, this is not taught or suggested by Talbot.

Claims 94 and 98 also include the feature of "sending a cipher mode control signal from the mobile communication network to the mobile station". Again, for the same reasons as explained in connection with claim 19, this is neither taught nor suggested by Talbot.

Newly added claim 99 includes "receiving information from the mobile communication network concerning a ciphering mode used in communication between the mobile station and the mobile communication network". Again, for the reasons explained in connection with claim 19, this feature is neither taught nor suggested by Talbot.

As a further distinction with respect to Talbot, it should also be noted that claim 19 as newly amended includes the limitation: *"indicating via a user interface that an enciphered mode of communication is to be used in data communication between the mobile communication network and the mobile station"*. In Talbot, on the other hand, the logic circuit 59 merely sends a secure control signal to switch controller 65 to connect enciphering portion 63 to transmitter 55. Thus, there is no teaching or suggestion in Talbot of indicating *"via a user interface that an enciphered mode of data communication is to be used."*

Similarly, independent claims 59, 82, 85 and 94, as newly amended, include "means for indicating via a user interface that an enciphered mode of communication is to be used", while newly amended claims 97 & 98 both include "indicating via a user interface that an enciphered mode of communication is to be used in data communication between the mobile communication network and the mobile station", just as in claim 19. For the reasons explained above in connection with claim 19, these features are neither taught nor suggested by Talbot.




The claims are believed to recite structure that is distinguishable from the foregoing teachings of the references, consider individually or in combination, thereby to overcome the foregoing grounds of rejection to provide for allowable subject matter in the claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$2370.00 is enclosed for a three-month extension of time and the additional claim fees. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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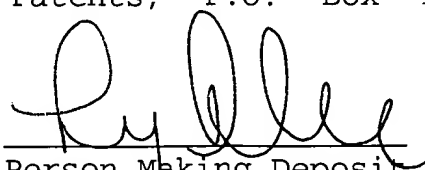
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